

Exhibit 8

L. Ori

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MISSOURI

EASTERN DIVISION

AWARE PRODUCTS LLC D/B/A)
VOYANT BEAUTY,)

Plaintiff,)

vs.)

No. 4:21-cv-249-JCH

EPICURE MEDICAL, LLC,)
FOXHOLE MEDICAL, LLC, and)
LEE ORI,)

Defendants.)

REMOTE VIDEOTAPED DEPOSITION OF LEE ORI

March 24, 2022

Reported by:

KATHY S. KLEPFER, RMR, RPR, CRR, CLR

JOB NO. 208140

<p>1 L. Ori Page 2</p> <p>2 March 24, 2022</p> <p>3</p> <p>4 REMOTE videotaped deposition of</p> <p>5 LEE ORI, before Kathy S. Klepfer, a</p> <p>6 Registered Professional Reporter,</p> <p>7 Registered Merit Reporter, Certified</p> <p>8 Realtime Reporter, Certified Livenote</p> <p>9 Reporter, and Notary Public of the State</p> <p>10 of New York.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 L. Ori Page 3</p> <p>2 A P P E A R A N C E S:</p> <p>3 (All Appearing Remotely)</p> <p>4</p> <p>5 SHER TREMONTE</p> <p>6 Attorneys for Plaintiff</p> <p>7 90 Broad Street</p> <p>8 New York, NY 10004</p> <p>9 BY: JUSTIN GUNNELL, ESQ.</p> <p>10 ROBERT PENN, JR., ESQ.</p> <p>11</p> <p>12 KORANTENG LAW FIRM</p> <p>13 Attorneys for Defendants</p> <p>14 5050 Quorum Drive</p> <p>15 Dallas, TX 75254</p> <p>16 BY: FIBBENS KORANTENG, ESQ.</p> <p>17</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 TRISHA VON LANKEN, Videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 L. Ori Page 4</p> <p>2 INDEX</p> <p>3 TESTIMONY OF LEE ORI PAGE</p> <p>4 MR. GUNNELL 9</p> <p>5 MR. KORANTENG</p> <p>6</p> <p>7 ORI EXHIBITS: PAGE</p> <p>8 Exhibit 1, LinkedIn profile of Lee Ori 26</p> <p>9 Exhibit 2, Picture from website RCTherapy.com 33</p> <p>10 Exhibit 3, Document titled "Missouri Board of 40</p> <p>11 Pharmacy Newsletter," dated August 2016</p> <p>12 Exhibit 4, Document of three pages titled, 44</p> <p>13 "Michigan Board of Pharmacy Disciplinary</p> <p>14 Subcommittee"</p> <p>15 Exhibit 5, Collection of Foxhole formation 56</p> <p>16 documents, Bates-stamped DEF3744 to DEF3793</p> <p>17 Exhibit 6, Document titled, "Account 62</p> <p>18 Agreement," Bates-stamped DEF0031</p> <p>19 Exhibit 7, Document titled, "Epicure Medical, 77</p> <p>20 LLC, Organization Chart," Bates-stamped DEF3683</p> <p>21 Exhibit 8, Document titled "Epicure Medical, 87</p> <p>22 LLC, Limited Liability Company Operating</p> <p>23 Agreement," Bates-stamped DEF3505 to DEF3545</p> <p>24 Exhibit 9, Document titled, "Account 91</p> <p>25 Agreement," Bates-stamped DEF0030</p> <p>26 Exhibit 10, Sales brochure from Epicure's 111</p> <p>27 website</p> <p>28 Exhibit 11, E-mail chain, Bates-stamped DEF1139 121</p> <p>29 to DEF1146</p> <p>30 Exhibit 12, Letter on Foxhole Medical 134</p> <p>31 letterhead, Bates-stamped DEF3835</p>	<p>1 L. Ori Page 5</p> <p>2 INDEX (Cont'd.)</p> <p>3 ORI EXHIBITS: PAGE</p> <p>4 Exhibit 13, E-mail chain with attachment, 142</p> <p>5 Bates-stamped DEF4592 to DEF4595</p> <p>6 Exhibit 14, Epicure Medical, LLC Purchase 149</p> <p>7 Orders, consisting of eight pages,</p> <p>8 Bates-stamped DEF4741 to DEF4748</p> <p>9 Exhibit 15, E-mail chain dated April 22, 2020, 162</p> <p>10 Bates-stamped DEF4659 to DEF4660</p> <p>11 Exhibit 16, Document entitled, "Promissory 167</p> <p>12 Note," Bates-stamped Bates-stamped DEF4737 to</p> <p>13 DEF4740</p> <p>14 Exhibit 17, E-mail chain, Bates-stamped 177</p> <p>15 Bates-stamped DEF0736 to DEF0737</p> <p>16</p> <p>17 Exhibit 18, E-mails starting with e-mail from 181</p> <p>18 Mark Murray at Triad Bank, Bates-stamped</p> <p>19 DEF0702 to DEF0703</p> <p>20 Exhibit 19, e-mail from 183</p> <p>21 LeeOri@EpicureMedical.com, Bates-stamped</p> <p>22 DEF0572</p> <p>23 Exhibit 20, Letter from Epicure Medical to 194</p> <p>24 Michael Partridge at Voyant dated June 4, 2020,</p> <p>25 Bates-stamped DEF3680</p> <p>26 Exhibit 21, E-mail chain with attachment, 199</p> <p>27 Bates-stamped DEF1646</p> <p>28 Exhibit 22, E-mail chain with top e-mail from 207</p> <p>29 Lee Ori at Epicure Medical to Epicure Medical</p> <p>30 accounting, Bates-stamped DEF3872 to DEF3875</p> <p>31 Exhibit 23, E-mail from Lee Ori to Dan Reilly, 215</p> <p>32 Bates-stamped DEF0774 to DEF0775</p> <p>33</p> <p>34 Exhibit 24, E-mail chain with top e-mail from 217</p> <p>35 Lee Ori to Michael Partridge and Paul Heslin,</p> <p>36 with CC to Dan Reilly, Bates-stamped DEF0635 to</p> <p>37 DEF0637</p>

<p>Page 6</p> <p>1 L. Ori</p> <p>2 INDEX (Cont'd.)</p> <p>3 ORI EXHIBITS: PAGE</p> <p>4 Exhibit 25, E-mail chain Bates-stamped DEF0421 221</p> <p>5 to DEF0422</p> <p>6 Exhibit 26, E-mails Bates-stamped DEF0610 to 225</p> <p>7 DEF0611</p> <p>8 Exhibit 27, E-mails with top e-mail from Lee 237</p> <p>9 Ori to Linda Ragsdale, Bates-stamped DEF0426 to</p> <p>10 DEF0427</p> <p>11 Exhibit 28, Notice from Voyant to Epicure 239</p> <p>12 Medical, Bates-stamped AWAREVOYANT003784 to</p> <p>13 AWAREVOYANT003786</p> <p>14 Exhibit 29, Document titled, "Foxhole 242</p> <p>15 Corporation Balance Sheet as of December 31,</p> <p>16 2020," Bates-stamped DEF3741 to DEF3743</p> <p>17 Exhibit 30, Document titled, "Foxhole Medical, 247</p> <p>18 LLC Balance Sheet as of December 31, 2021,"</p> <p>19 Bates-stamped DEF004807 to DEF004810</p> <p>20 Exhibit 31, Document titled, "Epicure Medical 252</p> <p>21 Balance Sheet as of December 31, 2020,"</p> <p>22 Bates-stamped DEF3495 to DEF3497</p> <p>23 Exhibit 32, Document titled, "Epicure Medical 256</p> <p>24 Balance Sheet As of December 31, 2021,"</p> <p>25 Bates-stamped DEF004803 to DEF004806</p> <p>26 REQUESTS FOR PRODUCTION:</p> <p>27 Page 13:2</p>	<p>Page 7</p> <p>1 L. Ori</p> <p>2 THE VIDEOGRAPHER: Good morning,</p> <p>3 counselors. My name is Trisha Von Lanken,</p> <p>4 and I'm a certified legal videographer in</p> <p>5 association with TSG Reporting.</p> <p>6 Due to the severity of COVID-19 and</p> <p>7 following the practice of social distancing,</p> <p>8 I will not be in the same room with the</p> <p>9 witness. Instead, I will record this</p> <p>10 videotaped deposition remotely.</p> <p>11 The court reporter, Kathy Klepfer,</p> <p>12 also will not be in the same room and will</p> <p>13 swear the witness remotely.</p> <p>14 Do all parties stipulate to the</p> <p>15 validity of this video recording and remote</p> <p>16 swearing, and that it will be admissible in</p> <p>17 the courtroom as if it had been taken</p> <p>18 following Rule 30 of the Federal Rules of</p> <p>19 Civil Procedures and the state's rules where</p> <p>20 this case is pending?</p> <p>21 Do all agree?</p> <p>22 MR. KORANTENG: Yes.</p> <p>23 MR. GUNNELL: Yes.</p> <p>24 THE VIDEOGRAPHER: Thank you.</p> <p>25 This is the start of media labeled</p>
<p>Page 8</p> <p>1 L. Ori</p> <p>2 number 1 of the video-recorded deposition of</p> <p>3 Lee Ori in the matter of Aware Products LLC,</p> <p>4 doing business as Voyant Beauty versus</p> <p>5 Epicure Medical, LLC, et al., in the United</p> <p>6 States District Court, Eastern District of</p> <p>7 Missouri, Eastern Division, Case No.</p> <p>8 4:21-cv-249-JCH.</p> <p>9 This deposition is being held remotely</p> <p>10 on Thursday, March 24, 2022 at approximately</p> <p>11 9:32 a.m.</p> <p>12 Counsel, will you introduce yourselves</p> <p>13 and the parties you represent, after which</p> <p>14 the court reporter will swear in the</p> <p>15 witness.</p> <p>16 MR. GUNNELL: Good morning. My name</p> <p>17 is Justin Gunnell from Sher Tremonte, and I</p> <p>18 represent the plaintiff Aware Products LLC,</p> <p>19 doing business as Voyant Beauty.</p> <p>20 I am also here with my colleague</p> <p>21 Robert Penn.</p> <p>22 MR. KORANTENG: Good morning. This is</p> <p>23 Figgins Koranteng, and I represent Lee Ori,</p> <p>24 Foxhole Medical, LLC and Epicure Medical,</p> <p>25 LLC, all defendants in this case.</p>	<p>Page 9</p> <p>1 L. Ori</p> <p>2 * * *</p> <p>3 LEE ORI, called as a</p> <p>4 witness, having been duly sworn by a Notary</p> <p>5 Public, was examined and testified as</p> <p>6 follows:</p> <p>7 EXAMINATION BY</p> <p>8 MR. GUNNELL:</p> <p>9 Q. Good morning, Mr. Ori.</p> <p>10 A. Good morning.</p> <p>11 Q. My name is Justin Gunnell. As I</p> <p>12 mentioned, this is my colleague Robert Penn. We</p> <p>13 represent the plaintiff in this action, Aware</p> <p>14 Products LLC, doing business as Voyant Beauty,</p> <p>15 who I will refer to today as "Voyant."</p> <p>16 I want to just go over a few ground</p> <p>17 rules. Today I'm going to ask you a series of</p> <p>18 questions. Everything is recorded, both on</p> <p>19 video and by a stenographer.</p> <p>20 The court reporter can only take down</p> <p>21 verbal answers and cannot take down more than</p> <p>22 one person at a time. So let's try not speak</p> <p>23 over one another. I'll do my best not to speak</p> <p>24 over you when you're giving an answer, and</p> <p>25 please do your best not to speak over me when</p>

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1 L. Ori
2 I'm asking a question.
3 And this is particularly true in a
4 remote environment like we have today: If you
5 don't understand a question that I am phrasing
6 to you, please ask me to rephrase it.
7 If you need a break, I will do my best
8 to accommodate you, but I ask that you answer
9 the question pending at the time before we
10 break.
11 Your counsel may make objections
12 today. They are for the record only, and unless
13 you are specifically instructed not to answer,
14 you must still answer the question.
15 Do you understand?
16 A. Yes.
17 Q. Did you do anything to prepare for
18 your deposition today?
19 A. Read through all of the e-mails, all
20 the documents provided by both parties.
21 Q. Did you meet with your counsel?
22 A. Over the phone.
23 Q. When?
24 A. Yesterday.
25 Q. For how long?

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1 L. Ori
2 A. Yes, sir.
3 Q. And you understand if you don't
4 provide truthful answers to the questions that I
5 pose, that would be considered perjury?
6 A. Sure.
7 Q. And is there any reason you cannot
8 testify truthfully today?
9 A. No.
10 Q. Today we're taking this deposition in
11 a remote setting, so I have a couple of ground
12 rules related to this unique forum and some
13 questions.
14 Is anyone else in the room with you
15 where you are today?
16 A. No. I am by myself.
17 Q. I would ask if anyone enters the room
18 at any time that you please let me know.
19 Are you looking at anything other than
20 the screen upon which the deposition is being
21 taken?
22 A. I have a notepad of which I'm taking
23 notes on. Other than that, I have no documents
24 in front of me. I have no documents on my
25 computer nor in front of me.

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1 L. Ori
2 A. Hour-and-a-half.
3 Q. And did you review specific documents
4 together?
5 A. No, it was more him -- there was a few
6 items that we needed to get for you, and the
7 documents that were discussed were the
8 documents -- the e-mails or documents that were
9 discussed were things that we needed to get to
10 you. So I spent some time making sure to
11 facilitate that.
12 Q. Are there any documents in particular
13 that you're -- that you recall that you
14 reviewed?
15 A. All of them.
16 Q. When you say "all of them," you mean
17 all of the documents that were produced in this
18 case or...
19 A. I reviewed all documents that were
20 presented by Voyant as well as myself.
21 Q. And those would be documents that your
22 counsel provided to us?
23 A. Correct.
24 Q. And you understand that you're under
25 oath today?

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1 L. Ori
2 Q. Okay. I would call for the production
3 of any notes that you take during the
4 deposition.
5 Unless I instruct you otherwise,
6 please do not look at anything else while we're
7 on the record. I ask that you answer all the
8 questions by yourself. Don't look to anyone for
9 help in answering the questions, and if you
10 cannot answer a question by yourself, just let
11 me know.
12 I would ask that we agree not -- that
13 you agree not to communicate with anyone else
14 besides me while we're on the record.
15 Do you agree to that?
16 A. Yes.
17 Q. That includes checking e-mails, text
18 messages, and things of that nature.
19 Do you understand?
20 A. Yes.
21 Q. Okay. And you -- you are here today
22 as Lee Ori, the individual, correct?
23 A. Correct.
24 Q. And as a representative of Foxhole
25 Medical, LLC?

<p style="text-align: right;">Page 142</p> <p>1 L. Ori</p> <p>2 AFTERNOON SESSION</p> <p>3 THE VIDEOGRAPHER: The time is 1:34</p> <p>4 p.m. and we are now on the record.</p> <p>5 LEE ORI, resumed and</p> <p>6 testified further as follows:</p> <p>7 EXAMINATION BY (Cont'd.)</p> <p>8 MR. GUNNELL:</p> <p>9 Q. Hello. Welcome back, Mr. Ori.</p> <p>10 A. Thank you.</p> <p>11 Q. Give me one second. I'm going to</p> <p>12 share my screen here. This will be Exhibit 13.</p> <p>13 (Ori Exhibit 13, E-mail chain with</p> <p>14 attachment, Bates-stamped DEF4592 to</p> <p>15 DEF4595, marked for identification, as of</p> <p>16 this date.)</p> <p>17 BY MR. GUNNELL:</p> <p>18 Q. This is a document that was provided</p> <p>19 by your counsel marked DEF4592 to DEF4595. It's</p> <p>20 an e-mail chain with an attachment.</p> <p>21 Do you see this?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Looking at this, do you have an</p> <p>24 understanding of what it is?</p> <p>25 A. Uh-huh. Yes, sir.</p>	<p style="text-align: right;">Page 143</p> <p>1 L. Ori</p> <p>2 Q. What is it?</p> <p>3 A. A credit application for Epicure</p> <p>4 Medical.</p> <p>5 Q. And it says, I guess here, from</p> <p>6 Michelle Jimenez, "As part of our customer</p> <p>7 process, we need to have a completed credit</p> <p>8 application on file."</p> <p>9 Right?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And then you provided this credit</p> <p>12 application and agreement?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And you listed a company name as</p> <p>15 "Epicure Medical," your name under "Owners and</p> <p>16 Officers." You listed some references; is that</p> <p>17 right?</p> <p>18 A. Yes, sir, you're --</p> <p>19 (The court reporter interrupted for</p> <p>20 clarification.)</p> <p>21 THE WITNESS: Yeah, he was flipping</p> <p>22 back and forth quickly, so it was kind of</p> <p>23 hard to follow.</p> <p>24 BY MR. GUNNELL:</p> <p>25 Q. All right. We'll take it one at a</p>
<p style="text-align: right;">Page 144</p> <p>1 L. Ori</p> <p>2 time.</p> <p>3 Under the "Business Information"</p> <p>4 section, you listed "Epicure Medical, LLC,"</p> <p>5 correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And you listed the address of 4639</p> <p>8 Baumgartner Road. That's the address you</p> <p>9 mentioned earlier?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And then you also listed some</p> <p>12 references here, right? CosmoTech, Salis</p> <p>13 Medical, and Global Medical Source?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Under "Officer/Owner," you list "Lee</p> <p>16 Ori, member," correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Who were these references?</p> <p>19 A. CosmoTech was the -- was our -- the</p> <p>20 people that we work with that were our CBD</p> <p>21 manufacturer. That's the -- the company that</p> <p>22 manufactured that we were able to have the</p> <p>23 just-in-time inventory that I talked to you</p> <p>24 about earlier.</p> <p>25 Q. And when you say "we," you're</p>	<p style="text-align: right;">Page 145</p> <p>1 L. Ori</p> <p>2 referring to Foxhole?</p> <p>3 A. Well, "we," collectively, being Dan,</p> <p>4 Sarah and I, and in our working on the -- the</p> <p>5 white label manufacturing and the warehouse and</p> <p>6 distribution. So that -- we three, yes.</p> <p>7 Q. But the -- but the CBD business was</p> <p>8 run out of Foxhole?</p> <p>9 A. Correct.</p> <p>10 Q. Okay.</p> <p>11 A. Yes.</p> <p>12 Q. And what's Salis Medical?</p> <p>13 A. Salis is -- was -- is a vendor as well</p> <p>14 as a customer. Salis is a medical -- medical</p> <p>15 and pharmaceutical supply company. They -- they</p> <p>16 were also a client of Epicure that bought --</p> <p>17 that bro- -- had customers looking for sanitizer</p> <p>18 and PPE.</p> <p>19 So Salis Medical is based out of</p> <p>20 Phoenix. Again, medical supply company.</p> <p>21 Q. And what about the last one, Global</p> <p>22 Medical Source?</p> <p>23 A. Same. Same.</p> <p>24 Q. Uh-huh.</p> <p>25 A. A PPP -- excuse me. Pardon me.</p>

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1 L. Ori
2 Greg See has multiple companies.
3 Global Medical Source was a company that he had
4 that was specifically for PPE and sanitizer.
5 Q. And did you have an understanding of
6 why you were supplying this agreement?
7 A. Per Michelle's direction of new credit
8 application for new customers.
9 Q. Uh-huh. Okay. And is that your
10 signature on the bottom here?
11 A. Yes, sir.
12 Q. And did you understand by signing this
13 you were agreeing to its terms?
14 A. Yes, sir.
15 Q. And if you look here, it says -- let's
16 see. "The undersigned by this credit
17 application agreement does continually
18 personally guarantee payment for all goods and
19 merchandise purchased by the applicant."
20 Do you see that?
21 A. I do.
22 Q. And you understood when you signed
23 this that you were personally guaranteeing
24 payment for all goods and merchandise purchased
25 by Epicure?

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1 L. Ori
2 Q. And did you have an Epicure e-mail
3 address?
4 A. I don't know if we had it at that
5 point.
6 Q. Looks like you did just looking at the
7 top. It says Lee@epicuremed.com?
8 A. You are correct.
9 Q. But then it looks like your signature
10 block and -- and the icon that goes with it is
11 associated with Foxhole Med?
12 A. That was obviously not my -- my
13 Epicure medical signature block that -- that was
14 traditional. So I -- you know, without having
15 an idea of -- you know, this was forwarded --
16 well, I -- I don't even know. So I don't know
17 how that's on there. It's obviously not my
18 Epicure one.
19 Q. Right.
20 A. So --
21 Q. Were you still using your Foxhole Med
22 signature block and -- and contact information
23 in connection with hand sanitizer sales at this
24 point?
25 A. I was not.

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1 L. Ori
2 A. I did not.
3 Q. But that is your signature on the
4 bottom?
5 A. It is.
6 Q. And what became of this? You sent to
7 it Ms. Jimenez?
8 A. Yes, sir.
9 Q. And -- and did you receive a reply
10 from her?
11 A. Don't recall.
12 Q. Okay. And this is dated April 12,
13 2020, this e-mail, correct?
14 A. Yes.
15 Q. Who's Courtney Reihs, R-E-I-H-S?
16 A. I do not know Courtney.
17 Q. Okay. Never had any dealings with
18 her?
19 A. Other than a -- I'm going to say no.
20 I don't even recognize the name.
21 Q. Got it.
22 And now just a question: You -- by
23 this time, Epicure has been formed, correct,
24 April 12, 2020?
25 A. That is correct.

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1 L. Ori
2 Q. Okay. I'm going to introduce now
3 Exhibit --
4 MR. GUNNELL: What am I up to? 13?
5 Or was that 13? Give me one second.
6 COURT REPORTER: That was 13.
7 MR. GUNNELL: Okay, thank you.
8 I will now introduce Exhibit 14.
9 (Ori Exhibit 14, Epicure Medical, LLC
10 Purchase Orders, consisting of eight pages,
11 Bates-stamped DEF4741 to DEF4748, marked for
12 identification, as of this date.)
13 BY MR. GUNNELL:
14 Q. And that will be a collection of
15 purchase orders. Just let me get those.
16 That's not what I want. Apologies.
17 Just bear with me for one moment while
18 I get the exhibit that I want.
19 There we go. Okay. I have introduced
20 as Exhibit 14 a collection of documents provided
21 by your counsel. It's eight pages. It starts
22 at DEF4741 and goes to -- I can't read the Bates
23 on the last one. DEF --
24 MR. GUNNELL: Am I still here? I just
25 got an error that Zoom quit unexpectedly.

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1 L. Ori
2 that -- that -- that, you know, it was -- the
3 projection -- you know, the ability to project
4 the business based on supply was -- was not
5 possible at that moment in time.
6 So I was encouraging Paul to continue
7 to do his job as a consultant and identify other
8 sources of supply to -- to help us grow the
9 company.
10 Q. And -- and then you say "Giddy up,
11 baby," with several exclamation points.
12 Do you see that?
13 A. I do.
14 Q. What did you mean by that?
15 A. Hurry up. Get on your horse. Make it
16 happen.
17 Q. And Paul would have -- he was in a
18 position to receive commissions?
19 A. He -- he got a commission based on the
20 units that were sold from vendors that he
21 identified and qualified and that we would have
22 worked with, yes.
23 Q. Uh-huh. Okay.
24 MR. GUNNELL: Is the chat -- is the
25 chat up to date with the exhibit number?

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1 L. Ori
2 varied of what they were willing to do. Most of
3 them didn't want to pay for the product until it
4 hit their dock, so we had to have capital in the
5 business in order to -- to pay Voyant for the
6 product. At that point would have been, my
7 recollection, 75 percent in order for us to
8 receive the payment when it hits the dock for us
9 to then pay the other 25 percent plus profit.
10 So, as we grew and took on other
11 customers, we -- we looked for funding from a
12 number of sources.
13 Q. And so this is -- it says the amount
14 is \$335,000, right?
15 A. Yes.
16 Q. And it says that it's to pay to the
17 order of Lee Eric Ori as lender.
18 That's you, right?
19 A. Yes.
20 Q. And it was, what, a three-month loan
21 made June, July, August, basically a three-month
22 loan?
23 A. Correct.
24 Q. And did you make this loan?
25 A. I did.

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1 L. Ori
2 Let me just see. Yep, okay. So now I am on
3 to Exhibit 16.
4 (Ori Exhibit 16, Document entitled,
5 "Promissory Note," Bates-stamped
6 Bates-stamped DEF4737 to DEF4740, marked for
7 identification, as of this date.)
8 BY MR. GUNNELL:
9 Q. And that will be -- okay. I have put
10 on the screen what will be Exhibit 16, and that
11 was provided by your counsel. It's
12 Bates-stamped DEF4737 to DEF4740.
13 It's entitled: "Promissory Note."
14 Do you see that?
15 A. Yes, sir.
16 Q. What is this?
17 A. It was a -- it was a loan that was
18 made to Epicure. As -- as we were trying to
19 grow the business, the -- the larger companies
20 that we worked with, such as Albertsons,
21 800-pound guerillas that wanted product were
22 unwilling to provide us with the deposits that
23 we needed in order to continue to organically
24 grow the business the way I described initially.
25 And, you know, their payment terms

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1 L. Ori
2 Q. Where did the funds come from?
3 A. From my trust account.
4 Q. And were you paid back?
5 A. I was.
6 Q. Were you paid back on the maturity
7 date?
8 A. I don't know the date that I was paid
9 back. It was -- it was on or before the
10 maturity date.
11 Q. And the -- and the funds were paid
12 back to the trust account?
13 A. Correct.
14 Q. And what's the nature of that trust?
15 A. My -- mine and my wife's living trust
16 account.
17 Q. And who's the trustee?
18 A. Myself and my wife.
19 Q. And so it's an inter vivos trust?
20 A. As -- as I recall. I -- I'm not --
21 certainly not a trust expert.
22 Q. Sure.
23 A. And nor do I have the documents in
24 front of me.
25 Q. Understand.

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2 A. So I only assume I replied all.

3 Q. Got it. Okay.

4 So you say here, "We also need to

5 distribute funds to the partners this week."

6 What did you mean by that?

7 A. Do a distribution to -- to the three

8 members.

9 Q. What was the process for that?

10 A. If you scroll down at the bottom,

11 it -- you know, Dan -- basically, you know,

12 we -- this was our -- substantially our

13 full-time job. You know, Dan -- Dan had

14 expressed, you know, concern to me that, you

15 know, he needed -- he needed money to live. We,

16 you know, by the nature of our partnership, we

17 couldn't take salaries and we could only take

18 distributions.

19 We took very bare minimum

20 distributions to essentially support our life,

21 to live off of.

22 You can see where I asked Dan, "What

23 do you need...? You indicated \$3,000. Is that

24 enough? Please advise Linda so she can

25 schedule." You know, we have-- we have met, we

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2 six total distributions made. It was a

3 combination of availability of -- of funds

4 and -- and, you know, the perceived liabilities

5 at that time and, you know, quite honestly,

6 necessity. You know, in this case, necessity.

7 Q. And do you recall how many

8 distributions were made in 2020?

9 A. Five or six.

10 Q. And do you recall how many --

11 A. I don't recall the exact number.

12 Sorry. Go right ahead, sir.

13 Q. Do you recall roughly the total?

14 A. \$43,000 per member.

15 Q. And would that -- that amount was --

16 just happened to be the sum of what the

17 distributions were? It wasn't a predetermined

18 amount that you would get X amount over the

19 year?

20 A. It was not a predetermined value, no,

21 sir.

22 Q. And were the five or six

23 distributions, were they equal amount or varying

24 amounts?

25 A. I believe there were four, four

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2 are in agreement, please let Linda know the very

3 bare minimum that you need to survive. Is

4 \$3,000 enough? And that's -- that's what we

5 distributed to the partners as a result.

6 Q. In other words, as a result of this,

7 \$3,000 went to yourself, \$3,000 went to Dan, and

8 \$3,000 went to Ms. Simmers?

9 A. Correct.

10 Q. And did you have any schedule upon

11 which distributions were made?

12 A. We did not.

13 Q. No?

14 A. Go ahead.

15 Q. I didn't hear your answer. I'm sorry.

16 A. We -- we did not have a schedule.

17 The -- the schedule was -- there wasn't one, no.

18 Q. And how did distributions come about?

19 MR. KORANTENG: Objection. The

20 question is vague. Can you -- can you

21 rephrase that?

22 Q. What prompted you to make

23 distributions when you made them?

24 A. We -- we met as a group and, you know,

25 as you probably know, there were only five or

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2 \$10,000 distributions and one \$3,000.

3 Q. And you didn't receive a salary from

4 Epicure?

5 A. We did not.

6 Q. Do you know if -- if Dan or Sarah

7 had -- were employed elsewhere in addition to

8 their work with Epicure?

9 A. Dan -- Dan was not. Dan -- Dan and I

10 have solely -- 100 percent of our attention was

11 devoted to Epicure.

12 Sar- -- Sarah was also not on salary

13 anywhere else.

14 Q. Do you know if Sarah had other sources

15 of income other than Epicure during this time?

16 A. I can't speak for Sarah.

17 Q. Okay. Let me introduce Exhibit 26.

18 (Ori Exhibit 26, E-mails Bates-stamped

19 DEF0610 to DEF0611, marked for

20 identification, as of this date.)

21 BY MR. GUNNELL:

22 Q. This is an e-mail Bates-stamped

23 DEF0610 to DEF0611. Starts with an e-mail from

24 Michael Partridge to Dan Reilly, and I want to

25 draw your attention to the e-mail by Dan finally

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2 A. No.

3 MR. GUNNELL: Objection to form.

4 Q. So I guess do you recall if at that

5 point there was a need for some significant

6 capital contribution from either you or Sarah to

7 fund the operations of that entity?

8 MR. GUNNELL: Objection to form.

9 A. No.

10 Q. You testified earlier when opposing

11 counsel asked you about whether Epicure held --

12 held any meetings, and I think at some point, if

13 I recall -- do you recall that testimony, that

14 exchange about what meetings were held and

15 whether they were documented or not documented?

16 A. I do recall.

17 MR. GUNNELL: Fibbens, I can't -- I

18 can't make out the word you're saying.

19 MR. KORANTENG: I'm sorry, which word?

20 Do you want Kathy -- Kathy to repeat what I

21 said?

22 MR. GUNNELL: Yes. Yes. Please,

23 sorry.

24 MR. KORANTENG: That's okay. No

25 worries.

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2 A. I do.

3 Q. And I -- I believe at some point you

4 said that Epicure was member-managed, and I --

5 do you recall that -- giving that answer when --

6 when you were asked about certain questions?

7 MR. GUNNELL: Objection to form.

8 A. I -- I recall the -- the

9 questioning -- the line of questioning, and --

10 and I don't recall the -- the exact context, but

11 Epicure is -- is a manager-managed entity.

12 Q. Okay.

13 A. So if I -- if I said it was

14 member-managed, it was -- it was a miss --

15 misspoken.

16 Q. I just wanted to clarify, because --

17 could you tell us who the managers of Epicure

18 are?

19 A. Myself, Dan Reilly and Sarah Simmers.

20 Q. But you, Dan and Sarah are not members

21 of Epicure directly, are you?

22 A. No, the PFL and Clover Leaf are -- are

23 the actual members.

24 Q. Okay. All right. Thank you.

25 Earlier we -- you had some discussions

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2 (Record read.)

3 MR. GUNNELL: Thank you.

4 MR. KORANTENG: Okay. All right.

5 BY MR. KORANTENG:

6 Q. So let me ask you, Lee, did you, as

7 managers, you -- when I said "you," you, Dan

8 Reilly and Sarah Simmers hold meetings to make

9 decisions about what you guys were doing as far

10 as Epicure was concerned?

11 A. Yes.

12 Q. Okay. So you held meetings, but did

13 you document those meetings?

14 A. No.

15 Q. Okay. All right.

16 So the meetings were held. It's just

17 that you guys didn't have documents that said

18 that this -- you know, these are minutes of the

19 meeting, is that -- is that your testimony?

20 A. Yes.

21 Q. Okay. All right.

22 There was some testimony earlier, I

23 believe, when opposing counsel was asking you

24 about the operating agreement for Epicure.

25 Do you recall that discussion?

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2 with opposing counsel about a credit application

3 that Epicure submitted to Voyant.

4 Do you recall that?

5 A. I do.

6 Q. Okay. And what do you recall as the

7 circumstances under which you were asked to

8 submit that credit application by Voyant? When

9 I say "you," Epicure was asked.

10 A. To paraphrase the e-mail, it was this

11 is a formality for all new customers.

12 Q. And at this point, if I recall, this

13 was -- at this point, you had already submitted

14 not a purchase order but a letter of intent to

15 Voyant; is that correct?

16 MR. GUNNELL: Objection to form.

17 Who do you mean by "you"?

18 MR. KORANTENG: Sorry. Thank you

19 for -- thank you for that.

20 BY MR. KORANTENG:


21 Q. When I say "you" -- at this point,

22 Epicure had already submitted either just an LOI

23 or purchase orders to Voyant, do you recall?

24 MR. GUNNELL: Objection.

25 Q. Lee, go ahead and answer.

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1	L. Ori	1	NAME OF CASE:
2	CERTIFICATE	2	DATE OF DEPOSITION:
3	STATE OF NEW YORK)	3	NAME OF WITNESS:
	: ss	4	Reason Codes:
4	COUNTY OF NEW YORK)	5	1. To clarify the record.
5	I, Kathy S. Klepfer, a Registered	6	2. To conform to the facts.
6	Merit Reporter and Notary Public within and	7	3. To correct transcription errors.
7	for the State of New York, do hereby	8	Page _____ Line _____ Reason _____
8	certify:	9	From _____ to _____
9	That LEE ORI, the witness whose	10	Page _____ Line _____ Reason _____
10	deposition is herein before set forth, was	11	From _____ to _____
11	duly sworn by me and that such deposition is	12	Page _____ Line _____ Reason _____
12	a true record of the testimony given by such	13	From _____ to _____
13	witness.	14	Page _____ Line _____ Reason _____
14	I further certify that I am not	15	From _____ to _____
15	related to any of the parties to this action	16	Page _____ Line _____ Reason _____
16	by blood or marriage and that I am in no way	17	From _____ to _____
17	interested in the outcome of this matter.	18	Page _____ Line _____ Reason _____
18	In witness whereof, I have hereunto	19	From _____ to _____
19	set my hand this 5th day of April, 2022.	20	Page _____ Line _____ Reason _____
20		21	From _____ to _____
21		22	Page _____ Line _____ Reason _____
	KATHY S. KLEPFER, RPR, RMR, CRR, CLR	23	From _____ to _____
22		24	
23		25	
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